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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,363	07/13/2000	Eric A. Bunn	A-68295/MAK/LM	3752
7590 05/05/2004			EXAMINER	
Flehr Hohbach Test Albritton & Herbert LLP Suite 3400 Four Embarcadero Center San Francisco, CA 94111-4187			THOMPSON JR, FOREST	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

See attached response.

Response to Amendment

1. The amendment B filed on 01/26/2004 drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03). Amendment B amended claims 12, 15-17, and 19-20, and added new claims 21 –35. The remaining claims are not readable on the elected invention because applicant would have presented an impermissible shift in the invention if the presently presented invention had been presented in the initial application submission. The initial submission encompassed claims 1-11; and the amendment A cancelled claims 1-11 and added claims 12-20. The claimed inventions of claims 1 and 12 as originally presented claim one invention (see below, while the currently amended claim 12 presents the potential impermissible shift in the invention. The claimed invention was/is:

A. (Original Claim 1) An apparatus for virtually presenting a product for purchase, said apparatus comprising:

a memory containing a representation of an approximation of a characteristic of a product for purchase, said characteristic from a set of characteristics including:

vibrations, a mass, a texture, a smell, and a temperature;

a sub-system corresponding to said characteristic, said subsystem from a set of simulation sub-systems including:

a vibratory sub-system for simulating vibrations: a mass simulation sub-system for simulating mass characteristics;

a textural sub-system for simulating a texture;

an olfactory sub-system for simulating a smell;

an olfactory sub-system for simulating a smell;
a temperature-simulation sub-system for simulating a temperature,
said sub-system communicatively coupled to said memory; and
a sales sub-system for indicating a desire to purchase said product.

B. (Original Claim 12 – per amendment A that cancelled claims 1-11) A system to present a virtual representation of at least one product for purchase by a user of the system, the system including:

a processor unit;
memory, coupled to said processor unit, storing an approximation of at least one characteristic of each said product, said characteristic selected from a group consisting of (a) an image of said product, (b) a sound of said product, (c) a texture of said product, (d) a mass of said product, (e) a smell of said product, (f) a temperature of said product, and (g) vibrations of said product;

for each said characteristic in said group, a simulation sub-system, functionally coupled to said memory, that simulates said characteristic for said user;

a monitor, functionally coupled to said processor unit, to display for viewing by said user a selection including each said product;

means, coupled to said processor unit, for enabling said user to cause said system to provide said system to provide said user with a simulation of at least one said characteristic for a product of interest to said user; and

a sales unit, coupled to said processor unit, enabling said user to purchase said product.

C. (Amended Claim 12 – per amendment B that amended claims 12, 15, 16, 17, 19, and 20 and added new dependent claims 21-35) A system to present a virtual representation of at least one product for purchase by a user of the system, the system including:

a processor unit;

memory, coupled to said processor unit, storing an approximation of an image of said product;

a visual sub-system, functionally coupled to said memory and defining a three-dimensional display area, that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display space;

a monitor, functionally coupled to said processor unit, to display for viewing by said user a selection including each said product;

and

a sales unit, coupled to said processor unit, enabling said user to purchase said product.

2. The presently claimed feature of “a visual sub-system, functionally coupled to said memory and defining a three-dimensional display area that simulates said image for said user such that a three-dimensional visual representation of said product appears in said display space” was not previously claimed, specifically, defining a three-dimensional display area, and such that a three-dimensional visual representation of said product appears in said display space.

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3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT
04/26/2004


Jeffrey A. Smith
Primary Examiner